

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

CHARLES R. WHEELER,]
[
Plaintiff,]
[
v.] CV-06-BE-2055-E
[
CINGULAR WIRELESS II, LLC, et]
al.,]
[
Defendants.]

ORDER

This matter comes before the court on “Plaintiffs [sic] Corrected Motion to Exclude the Proffered Expert Testimony of C. Andrew Robinson, PhD” (doc. 138). The motion has been fully briefed. Having reviewed all the submissions and arguments, the court finds that the testimony as to Cotton’s use of marijuana and impairment is relevant, based on sufficient facts, the product of reliable methods, and that Dr. Robinson applied those methods reliably. FRE 702. The testimony likewise meets the *Daubert* standards in that Dr. Robinson is qualified, used a sufficiently reliable methodology, and his testimony will assist the trier of fact. Therefore, the Motion to Exclude is DENIED.

DONE and ORDERED this 7th day of October 2008.


Karon O. Bowdre
KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE